



Attorney General Jon Bruning

NEWS RELEASE

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AG Bruning: Motion to Dismiss Denied in Federal Healthcare Law Challenge

LINCOLN - Attorney General Jon Bruning announced today that U.S. District Judge Roger Vinson will allow two counts of the challenge of the Federal Patient Protection and Affordable Care Act to proceed to Summary Judgment.

“This ruling is a victory for the States and confirms the significance of protecting individual liberties,” said Bruning. “It is the first step toward having this unfunded mandate declared unconstitutional and upholding state sovereignty.”

Today’s ruling allows the case to move forward to the summary judgment hearing set for December 16, 2010.

The 20-state bipartisan coalition of attorneys general and governors challenging the Act includes Texas, Florida, South Carolina, Nebraska, Pennsylvania, Louisiana, Washington, Colorado, Michigan, Utah, Alabama, South Dakota, Idaho, Indiana, Mississippi, North Dakota, Arizona, Nevada, Georgia, and Alaska. The lawsuit is filed in the Federal District Court in the Northern District of Florida. The states are joined in this lawsuit by the National Federation of Independent Business, and individual plaintiffs Mary Brown and Kaj Ahlburg.

The states’ lawsuit was filed shortly after President Barack Obama signed the bill into law. The legal action specifically challenges the Patient Protection and Affordable Care Act and names the U.S. Departments of Health and Human Services, Treasury and Labor as defendants because those federal agencies are charged with implementing the Act’s constitutionally impermissible provisions.